

REMARKS

Claims 1-22 are pending in this application and stand rejected.

Claims 1-8, and 12-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,499,294 to Friedman (Friedman) in view of U.S. Patent No. 6,192,138 to Yamadaji (Yamadaji). It is respectfully submitted that at the very minimum, claim 1, 13 and 18 are patentable and non-obvious over the combination of Friedman and Yamadaji.

To begin, such combination does not disclose or suggest a system or method for *measuring a plurality of parameters associated with a captured image and watermarking the plurality of parameters within the captured image*, as essentially claimed in claims 1, 13 and 18. Although Examiner acknowledges that neither Friedman nor Yamadaji explicitly teaches watermarking a plurality of parameters into an image, Examiner contends that “*given Yamadaji’s teachings of watermarking textual data for purposes of security, that it would have not have been a huge leap for one of ordinary skill in the art to watermark Friedman’s parameters into the border of the image.*” (See page 2 of the Final Office Action, Examiner’s Response to Arguments). However, it is respectfully submitted that such contention misses the point and is legally insufficient to establish the motivation for combining the teachings of such references.

Indeed, Yamadaji discloses the use of watermarking copyright information (images or textual) in an image for purposes of copyright protection of the image, but there is nothing in Yamadaji that relates to embedding textual data in an image file to provide security against alteration of the image and to verify the authenticity of the image. **In fact, the words “security” “alteration”, “authenticity”, for example, are not even used in the disclosure of Yamadaji.**

Furthermore, Examiner's contention that "*it would have not have been a huge leap for one or ordinary skill in the art to watermark Friedman's parameters into the border of the image*" is irrelevant because the claimed inventions recite that the parameters are watermarked into the image, not the border. The image can be modified without necessarily modifying the border.

In fact, in the claimed inventions, it is the watermarking of the captured image parameters into the image itself, which enables authenticity and protection against alteration. Although Friedman discloses (in Col. 9, lines 8-27) recording textual information about the image in a border of an image for purposes of manual "legal authentication", such manual "legal authentication" amounts to an investigator identifying and interpreting information depicted in a photograph using the recorded parameters (Col. 9, lines 35-37, see also the examples given in Col. 9, line 38 - Col. 10, line 23).

Such process of manual "legal authentication" in *Friedman* is very much different than the claimed process of using the captured parameters to authenticate an *image by watermarking the parameters into an image, extracting parameters from the watermarked image, and comparing the extracted parameters with the original measured parameters to determine if they match*, as essentially recited in claims 13 and 18.

More specifically, although Friedman discloses a method for verifying the authenticity of an image and that certain parameters associated with a captured image can be recorded in an image border, the Friedman protocol does **not** rely on such recorded parameters for authentication. In contrast, Friedman provides image authentication using the well-known digital signature method by calculating a hash of the image and comparing the calculated hash with a secure hash of the digital signature. If the computed hash and secure hash are the same,

then the image is deemed authentic. Friedman merely discloses that the credibility of the textual data in the border is upheld during the authentication. But Friedman does not explicitly use the recorded parameters to authenticate the image *vis-à-vis* the digital signature method. In other words, the Friedman authentication protocol can be used for authentication regardless of whether or not recorded parameters are contained in the border of the image.

Thus, for at least the above reasons, given that Friedman does not disclose or suggest using recorded parameters *within* an image for authenticating the image and that Yamadaji is not concerned with protecting against image alteration, but merely providing copyright protection, there is simply no motivation for combining the teachings of Friedman and Yamadaji in the manner suggested by Examiner other than *impermissible hindsight reasoning*.

In addition, for at least the reasons given in Applicants' previous Amendment (filed on April 15, 2003) with respect to claim 1, it is respectfully submitted that the combination of Friedman and Yamadaji does not disclose or suggest a system for capturing images, wherein the system comprises *wireless communication means for receiving object data from objects in an observed image frame when the image is generated, wherein the object data comprises object identification information*. Nor does such combination disclose or suggest *information receiving means for receiving user data associated with a user of the system when the digital image is generated, wherein the user data comprises user identification information*.

Indeed, it is respectfully submitted that Examiner has not provided a reasonable basis for interpreting Friedman as disclosing recorded parameters including object identification information and user identification information. Indeed, although Friedman discloses a rangefinder to collect "range information" to determine the distance the object is from the camera, there is simply no reasonable basis to construe such "range information" as being

“object identification” as claimed in claim 1. Indeed, the “distance” an object is to a camera is very different from the “identity” of the object.

Furthermore, it is unreasonable to construe a device “serial number” as being “user identification” information as claimed in claim 1. Indeed, many different users can use a device having the same serial number. However, the serial number would not provide information regarding the identity of the person using the device.

Thus, for at least the above reasons, claims 1, 13 and 18 are believed to be patentable and non-obvious over the combination of Friedman and Yamadaji. In addition, all claims that depend from claims 1, 13 and 18 are believed to be patentable and non-obvious over the combination of Friedman and Yamadaji at least for the same reasons given above for respective based claims 1, 13 and 18.

Further, since claims 9-11 depend from claim 1, the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Yamadaji in further view of U.S. Patent No. 5,799,082,072 to Murphy et al (Murphy), as well as the rejection of claims 10-11 under 35 U.S.C. §103(a) as being unpatentable over Friedman in view of Yamadaji in further view of U.S. Patent No. 5,335,072 to Tanaka et al (Tanaka), are legally deficient for at least the reasons given above for claim 1. Indeed, neither Tanaka nor Murphy cure the deficiencies of Friedman and Yamadaji as discussed above.

Accordingly, the withdrawal of the rejections of claims 1-22 under §103 is respectfully requested.

Respectfully submitted,


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